

January 23, 2023

VIA ECF

Honorable Sarah L. Cave
United States Magistrate Judge
500 Pearl Street, Room 1670
New York, New York 10007-1312

Re: *Monterey Bay Military Housing LLC, et al. v. Ambac Assurance Corporation, et al.*,
No. 19-cv-09193 (PGG) (SLC)

Dear Judge Cave,

Pursuant to Federal Rule of Civil Procedure 5.2(d), Rule I(F)(2) of Your Honor's Individual Practices, this Court's Standing Order No. 19-mc-583, and this Court's ECF Rules & Instructions ("ECF Rules"), Defendants Ambac Assurance Corporation and Dan Ray ("Defendants") respectfully request the Court's leave to file under seal their letter, filed simultaneously herewith, clarifying Defendants' position regarding Plaintiffs' waiver of work product over documents that were never previously identified as qualifying for work product protection, in relation to Your Honor's Order, dated January 19, 2023 (ECF 601).

Defendants' letter cites and directly quotes a docket entry, the December 19, 2022 conference transcript (ECF 590), which is not yet available to the public. Accordingly, Defendants have filed the letter under seal and available only to Selected Parties in accordance with ECF Rule 6.9. Defendants will promptly reach out to Plaintiffs to seek their position on the confidentiality of the quoted material and request permission to file a public version of this letter.

Respectfully Submitted,

/s/ Taylor L. Jones

Taylor L. Jones
Quinn Emanuel Urquhart & Sullivan, LLP

/s/ Amer S. Ahmed

Amer S. Ahmed
Gibson, Dunn & Crutcher LLP

Defendants Ambac Assurance Corporation and Dan Ray's letter-motion seeking to file under seal their letter seeking clarification of the Court's January 19, 2023 Opinion & Order (ECF No. 602) is DENIED AS MOOT as the transcript of the December 19, 2022 conference has been made available to the public. The Clerk of Court is respectfully directed to (i) unseal the document at ECF No. 603 which shall now be viewable to the public, and (ii) close ECF No. 602.

SO ORDERED 01/26/23


SARAH L. CAVE
United States Magistrate Judge